

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

ROBERT THOMPSON,)
)
Plaintiff,)
)
vs.) Case No. 4:05CV1929 CDP
)
UNION PACIFIC RAILROAD CO.,)
)
Defendant.)

MEMORANDUM AND ORDER OF REMAND

This matter is before me on plaintiff's motion to remand this action back to state court for lack of subject matter jurisdiction. Plaintiff contends that this case should be remanded back to the Circuit Court for the City of St. Louis, Missouri, because his amended state-court petition (filed before this case was removed) names two resident defendants, thereby destroying complete diversity of citizenship and rendering this case non-removable. Defendant has not opposed the motion, and its time for doing so has expired. Upon review of plaintiff's motion and the amended state-court petition, it appears that this Court lacks subject matter jurisdiction and must therefore remand this action to state court.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion for remand [#10] is granted, and this action is remanded to the Circuit Court, Twenty-Second Judicial

Circuit, in the City of St. Louis, Missouri.

Catherine D. Perry
CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 9th day of February, 2006.